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TRANSMITTAL FORM	Application Number	10762,047
	Filing Date	January 21, 2004
	First Named Inventor	KOLLER et al
	Art Unit	1794 Confirmation No 4478
	Examiner Name	Leszek B. Kilman
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	22	Attorney Docket Number A01484

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request to Withdraw Holding of Abandonment Under 37 CFR 1.8(b)
<div style="border: 1px solid black; padding: 5px;"> Remarks This facsimile transmission contains six (6) enclosures which are listed on the Request to Withdraw Holding of Abandonment Under 37 CFR 1.8 (b) </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Rohm and Haas Company		
Signature			
Printed name	Andrew E.C. Merriam		
Date	March 11, 2008	Reg. No.	47,268

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Atty Docket No.: A01484

In re application of: KOLLER et al.

Confirmation No.: 4478

Serial No.: 10/762,047

Group Art Unit: 1794

Filed: January 21, 2004

Examiner: Leszek B. Kiliman

For: ORGANIC-INORGANIC COMPOSITE PARTICLE AND PROCESS FOR
PREPARATION THEREOF

MAIL STOP - PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam Director:

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.8 (b)

Appellant's Representatives received a Notice of Abandonment in the present application, dated Jan 11, 2008 for failure to timely file a proper reply to the Office letter mailed on June 11, 2007. The Notice of Abandonment erroneously indicates that no reply was received by the USPTO. Further, I hereby certify that a timely and proper Amended Appeal Brief was sent in reply by facsimile transmission on June 18, 2007 by Yvette Viglianese (no longer with the company), just 7 days after the Notice of Abandonment was sent.

1. The Amended Appeal Brief was filed on June 18, 2007 via Certificate of Facsimile transmission and, in total, included 14 pages. The Amended Appeal Brief recited the correct serial number on the front page and at the top of every page. A copy of the Certificate of Facsimile transmission, Amended Appeal Brief, our internally generated receipt of the facsimile transmission of June 18, 2007, USPTO auto-reply facsimile receipt (showing 14 pages were received), and USPTO fax center stamped facsimile transmission are enclosed.

2. The USPTO only scanned the Certificate of Facsimile transmission into the PAIR system, under the incorrect application serial no. 10/238,309, and failed to scan in the Amended Appeal Brief or notify Appellants of its failure to scan the Amended Appeal Brief. The wrong

serial number did appear on the Certificate of Facsimile cover sheet; however, the Amended Appeal Brief recited the correct serial number on the front page and at the top of every other page (13 pages in all). Even though only the front page of the transmission was scanned in to PAIR, the USPTO receipt in PAIR under application serial no. 10/238,309 (copy enclosed) states that the front page is "page 1 of 14"; further, the USPTO PAIR for application serial no. 10/762,047 indicates no Amended Appeal Brief whatever. Accordingly, the USPTO failed to properly catalogue and track the Amended Appeal Brief in its own system.

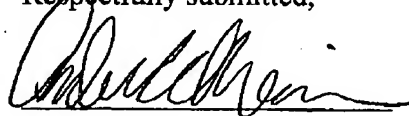
3. On January 16, 2008, Appellant's Representatives transmitted a Response to Notice of Abandonment (copy enclosed), which included the original amended Appeal Brief, and prayed for a withdrawal of the holding of abandonment.

CONCLUSION

Please take the necessary steps to have the holding of abandonment withdrawn in the instant application as is justified by the foregoing remarks. Feel free to call me if you have any questions.

March 11, 2008

Respectfully submitted,



Andrew E.C. Merriam
Attorney for Applicants
Registration No. 47,268
Telephone No.: (215)-592-6758

This facsimile transmission contains six (6) enclosures:

- 1) A copy of a Certificate of Facsimile that accompanied the June 18, 2007, amended Appeal Brief (1 page).
- 2) The Amended Appeal Brief that was sent by facsimile transmission on June 18, 2007 (13 pages).
- 3) The USPTO Auto-Reply receipt of the facsimile transmission of June 18, 2007 (1 page) and USPTO fax center stamped facsimile transmission of the same date (1 page).
- 4) Our internally generated receipt of the facsimile transmission of June 18, 2007 (1 page).
- 5) A copy of the USPTO receipt of the June 18, 2007 transmission in PAIR (1 page).
- 6) The Response to Notice of Abandonment of January 16, 2008 plus marked up Certificate of Facsimile (2 pages).

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**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty Docket No. A01484

In re application of:
Anne Denise Koller, et al.

Serial No.: 10/238,309

: Group Art Unit: 1773

Confirmation No. 4478

:

Filed: 01/21/2004

:

Examiner: Leszek B. Killiman

For: **ORGANIC-INORGANIC COMPOSITE PARTICLE AND PROCESS
FOR PREPARATION THEREOF**

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Sir:

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Response to Notification of Non-Compliant Appeal Brief
Amended Appeal Brief

06/18/2007
Date

Cynthia Vignone
Signature

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BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Atty Docket No.: A01484

In re application of: KOLLER et al.

Confirmation No.: 4478

Serial No.: 10/762,047

Group Art Unit: 1773

Filed: January 21, 2004

Examiner: Leszek B. Kiliman

For: Organic-Inorganic Composite Particle and Process For Preparation Thereof

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

We submit this new Appeal Brief in response to the June 12, 2007 Notification of Non-Compliant Appeal Brief. The new Appeal Brief includes the status of all claims, including cancelled claims, in Section 3 (Status of Claims) and Section 8 (Claims Appendix).

June 18, 2007

Respectfully submitted,



Karl E. Stauss

Attorney/Agent for Applicants

Registration No. 40,827

Telephone No.: (215)-592-3436

GROUP ART UNIT: 1773
APPEAL NO. _____

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MAR 11 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

AMENDED APPEAL BRIEF

In re the Application of KOLLER et al.

Filed: January 21, 2004

Serial No. 10/762,047

For: ORGANIC-INORGANIC COMPOSITE PARTICLE AND PROCESS FOR
PREPARATION THEREOF

Karl E. Stauss
Attorney for Appellants

Leszek B. Kiliman
Examiner

Enclosed:
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June 18, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : KOLLER et al.

Application No. : 10/762,047

Group No. : 1773

Filed : January 21, 2004

Examiner : Leszek B. Kiliman

For: ORGANIC-INORGANIC COMPOSITE PARTICLE AND
PROCESS FOR PREPARATION THEREOF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF UNDER 37 C.F.R. 41.37(d)

This is an appeal from the rejection dated February 24, 2006 finally rejecting claims 1-2, 4-7 and 9-10, and amended responsive to the Notification of Non-Compliant Appeal Brief, mailed June 12, 2007. The rejected claims are set out in the Appendix. Appellants timely filed a Notice of Appeal pursuant to 37 C.F.R. § 1.191 on May 24, 2006, and an Appeal Brief.

(1) Real Party In Interest

The owner of the present application and the invention contained therein is ROHM AND HAAS COMPANY.

(2) Related Appeals and Interferences

No appeals or interferences are known to Appellants, the Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have

a bearing on the Board's decision in the pending appeal. Accordingly, no "Related Proceedings" are attached hereto.

(3) Status Of Claims

The status of the claims is as follows:

Claims pending: 1-2, 4-7 and 9-10

Allowed claims: none

Claims objected to: none

Claims cancelled: 3 and 8

Claims rejected: 1-2, 4-7 and 9-10

Claims on appeal: 1-2, 4-7 and 9-10

Claims withdrawn from consideration by the Examiner: none

(4) Status of Amendments after Final Rejection

No amendments were filed after final rejection of the present application.

(5) Summary Of Claimed Subject Matter

The present invention (as recited in instant claim 1) provides an aqueous dispersion comprising organic-inorganic composite particles [p. 3, lines 19-20; p. 3, lines 24-29], each organic-inorganic composite particle comprising:

- a) a primary composite particle [p. 3, line 20; p. 5, lines 13-14] comprising:
 - i) an inorganic particle [p. 3, line 21; p. 5, lines 14-16], and
 - ii) a plurality of polymer particles covalently bonded to said inorganic particle [p. 3, lines 21-22; p. 5, lines 14-16; p. 14, lines 25-26]; and
- b) a polymer layer encapsulating said primary composite particle [p. 3, lines 22-23].

The present invention also provides (as recited in instant claim 6) a process for preparing an aqueous dispersion, having organic-inorganic composite particles, comprising the steps of:

a) providing primary composite particles dispersed in an aqueous medium, wherein each of said primary composite particles comprise: an inorganic particle and a plurality of polymer particles covalently bonded to said inorganic particle [p. 3, lines 25-29; p. 14, lines 25-26]; and

b) polymerizing at least one monomer in the presence of said primary composite particles to form a polymer layer encapsulating said primary composite particles and to provide said organic-inorganic composite particles [p.3, lines 29-31].

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-2, 4-7 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bardman et al. (U.S. Patent No. 6,710,161).

(7) Argument

I. Rejection under 35 U.S.C. § 103(a) of Claims 1-2 and 6-7

Appellants respectfully submit that the present invention is not obvious under 35 U.S.C. § 103(a) because A) the §103(a) rejection is improper; and B) Bardman et al. do not teach a process for making an aqueous dispersion and the aqueous dispersion comprising organic-inorganic composite particles, each having all of the limitations: a) a primary composite particle comprising i) an inorganic particle, and ii) a plurality of polymer particles covalently bonded to said inorganic particle; and b) a polymer layer encapsulating said primary composite particle.

A. The §103(a) rejection is improper

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. MPEP 706.02(j). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In the Office Action of April 19, 2005, the Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. §102(e) as being anticipated by Bardman et al. and 4-5 and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Bardman et al. See, p. 2, 2nd paragraph; p. 3, 4th paragraph. In the Office Action of October 7, 2005, the Examiner withdrew the §102(e) rejection of claims 1-3 and 6-8 and rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Bardman et al. See, p. 2, 4th paragraph. No explanation as to why the §102(e) rejection was withdrawn was included in the Office Action. In the Office Action of October 7, 2005 and the subsequent Office Action of February 24, 2006, under the rejection under the 35 U.S.C. §103(a), the Examiner merely stated that Bardman et al. disclose "all elements of the claimed invention." See, Office Action of 10/7/05, p. 3, 1st paragraph; Office Action of 2/24/06, p. 3, 1st paragraph. If this were the case, then the §102(e) rejection could not have been overcome. Thus, the rejection of claims 1-2 under §103(a) is improper and the claims are allowable.

B. Bardman et al. do not teach all of the limitations of claims 1-2 and 6-7

Even if claims 1-2 and 6-7 were rejected under §102(e), Bardman et al. do not disclose all of the limitations of the invention. It is well settled that all features of the instant claims must be taught or suggested somewhere in the art. *In re Royka*, 490 F.2d 981 (CCPA 1974). In addition, all features of the instant claims must be found in the art itself, and cannot be harvested from the instant invention disclosure through impermissible hindsight reconstruction of the instant invention. See MPEP 2145.X.A. Accordingly, it is well settled that all features of the instant claims must have been taught in the art as of the time of the filing of the instant application and not thereafter. See MPEP 2141.01.III.

First, Bardman et al. do not disclose composite particles having polymer particles covalently bonded (both adsorbed and reacted) to an inorganic particle, as claimed. Bardman et al. teach composite particles with polymer particles that are only "adsorbed to the surface of each pigment particle." See, col. 13, lines 16-18; col. 14, lines 48-50. In the Office Action mailed on February 24, 2006, the Examiner does not even address this limitation and cites the same information in Bardman et al. as he did in the Office Action mailed on October 7, 2005, despite Applicants' amendments of December 7, 2005 (and

resent on January 4, 2006) specifying that the polymer particles are "covalently bonded."

Second, Bardman et al. do not disclose encapsulating the composite particle, which comprises both the inorganic particle and the polymer particles covalently bonded thereto. In Bardman et al., a second polymer may be used as a film-forming binder. See, col. 15, lines 1-15. With a film-forming binder, the second polymer could, in essence, encapsulate the particles in layer of film (coating), but, according to the disclosure of Bardman et al., the second polymer would not encapsulate the particles while they are in an aqueous dispersion. The composite particle of Bardman et al., itself, does not contain a primary composite particle having polymer particles covalently bonded to an inorganic particle, encapsulated by a polymer layer. See, Application, p. 5, second full paragraph.

II. Rejection under 35 U.S.C. § 103(a) of Claims 4-5 and 9-10

Appellants respectfully submit that the present invention is not obviousness under 35 U.S.C. § 103(a) because A) there claims depend upon claims 1 and 6, which are allowable, as discussed above, and B) Bardman et al. do not teach an aqueous dispersion and a process for preparing an aqueous dispersion having all of the limitations of claims 4-5 and 9-10.

A. Claims 4-5 and 9-10 depend upon claims 1 and 6

Claims 4-5 and 9-10 should be allowable as dependent upon allowable claims.

B. Bardman et al. do not teach the limitations of claims 4-5 and 9-10

In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). "The test for an implicit showing [of obviousness] is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

In addition, a *prima facie* case of obviousness requires that one skilled in the art would have had a reasonable expectation of success in light of the prior art. *In re Dow Chemical*, 837 F.2d 469, 473 (Fed. Cir. 1988). Presence of a property not possessed by the prior art is evidence of nonobviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963).

In the Office Action mailed on February 24, 2006, the Examiner stated that Bardman et al. do "not specifically teach the limitations of claims 4, 5, 9, 10" and do not disclose "that composite particle[s] may comprise encapsulated particles in aqueous dispersion[s]." Office Action of 2/24/06, p. 3, 1st full paragraph. The Examiner further stated that "it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the teaching of Bardman [et al.] ... and suspend such particles in aqueous dispersion, and vary the weight ratio of polymer particles and combine polymer weight, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art." Office Action of 2/24/06, p. 3, 2nd full paragraph.

The invention provides a dispersion and process for making the dispersion of organic-inorganic particles that, as a coating, have improved hiding, whiteness and gloss. See, Application, p. 1, lines 6-7. "These organic-inorganic composite particles allow the preparation of dried coatings containing lower levels of pigment, such as titanium dioxide; or are applied at lower coating weights than coatings not containing encapsulated titanium dioxide." P. 3, lines 13-16. The polymer composition of Bardman et al. provides corrosion resistant coatings with improved solvent resistance (see, col. 1, lines 19-22, 35-36, 40-41), but does not possess the properties of improved whiteness or gloss.

The particles of Bardman et al. provide coatings with increased levels of hiding, but only when "compared to coating[s] containing equivalent levels of pigment particles but do not contain composite particles." Col. 13, lines 21-24. Because Bardman et al. does not possess any of the improved properties of the invention, there would be no motivation to combine Bardman et al., which is directed to corrosion resistance and improved solvent resistance, with any knowledge possessed by one of ordinary skill in the art at the time the invention was made with respect to suspending the particles and

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June 18, 2007

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varying weights. Accordingly, the combination of the prior art reference and knowledge of one of ordinary skill in the art cannot meet every single feature of the instant claims and thus does not constitute a *prima facie* case of obviousness. MPEP 2143.03.

III. Conclusion

Based on the foregoing, Appellants respectfully submit that the pending claims are currently in condition for allowance. As such, Appellants respectfully request the Board to pass the pending claims to allowance.

Enclosed herewith, Appellants have filed a Certificate of Mailing to establish the timely filing of the instant Appeal Brief.

The Commissioner is hereby authorized to charge any additional fee which may be required, or to credit any overpayments to Deposit Account 18-1850.

Respectfully submitted,



Karl E. Stauss
Attorney for Appellants
Registration No. 40,827

ROHM AND HAAS COMPANY
100 Independence Mall West
Philadelphia, PA 19106-2399
Telephone : (215) 592-3436

June 18, 2007

(8) CLAIMS APPENDIX

1. An aqueous dispersion comprising organic-inorganic composite particles, each organic-inorganic composite particle comprising:
 - a) a primary composite particle comprising:
 - i) an inorganic particle, and
 - ii) a plurality of polymer particles covalently bonded to said inorganic particle; and
 - b) a polymer layer encapsulating said primary composite particle.
2. The aqueous dispersion according to claim 1 wherein said polymer particles have absorbing groups selected from phosphorus acid groups, phosphorus acid full-ester groups, polyacid sidechain groups, and mixtures thereof.
3. (Cancelled)
4. The aqueous dispersion according to claim 1 wherein the weight ratio of said polymer particles that are attached to said inorganic particle to said polymer layer is in the range of from 10:1 to 1:10.
5. The aqueous dispersion according to claim 1 having a combined polymer weight of said polymer particles and said polymer layer in the range of from 5 to 90 weight %, based on the weight of said organic-inorganic composite particle.
6. A process for preparing an aqueous dispersion, having organic-inorganic composite particles, comprising the steps of:
 - a) providing primary composite particles dispersed in an aqueous medium, wherein each of said primary composite particles comprise: an inorganic particle and a plurality of polymer particles covalently bonded to said inorganic particle; and
 - b) polymerizing at least one monomer in the presence of said primary composite particles to form a polymer layer encapsulating said primary composite particles and to provide said organic-inorganic composite particles.
7. The process according to claim 6 wherein said polymer particles have at least one functional group selected from the group consisting of phosphorus acid groups, phosphorus acid full-ester groups, polyacid sidechain groups, and mixtures thereof.

8. (Cancelled)

9. The process according to claim 6 wherein the weight ratio of said polymer particles that are attached to said inorganic particle to said polymer layer is in the range of from 10:1 to 1:10.

10. The process according to claim 6 wherein said organic-inorganic composite particle has a combined polymer weight of said polymer particles and said polymer layer in the range of from 5 to 90 weight %, based on the weight of said organic-inorganic composite particle.

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June 18, 2007

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(9) EVIDENCE APPENDIX

None.

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June 18, 2007

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(10) RELATED PROCEEDINGS APPENDIX

None.

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In re application of:
Anne Denise Koller, et al.

Serial No.: 10/238,809

Group Art Unit: 1773

Confirmation No. 4478

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Examiner: Leszek B. Killman

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Commissioner for Patents

P.O. Box 1460

Alexandria, VA 22313-1460

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Anne Denise Koller, et al.

Serial No.: ~~10/238 309~~ 10/762047 : Group Art Unit: 1773

Confirmation No. 4478 :

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Fax No.

CERTIFICATE OF FACSIMILE

Sir:

I hereby certify that the following correspondence is being sent by facsimile to the Assistant Commissioner of Patents, Alexandria, VA 22313-1450 on the date indicated next to my signature below:

Response to Notification of Non-Compliant Appeal Brief
Amended Appeal Brief

06/18/2007
Date

Yvette Vignanesi
Signature

MAR 11 2008

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Docket No.: A01484

In re application of: KOLLER et al.

Confirmation No.: 4478

Serial No.: 10/762,047

Group Art Unit: 1773

Filed: January 21, 2004

Examiner: Leszek B. Kiliman

For: Organic-Inorganic Composite Particle and Process For Preparation Thereof

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ABANDONMENT

Applicant's attorney thanks the Examiner for speaking with Andy Bunn on January 16, 2008 regarding this matter. Rohm and Haas Company received a Notice of Abandonment for Application No. 10/762,047 dated Jan 11, 2008 for failure to timely file a proper reply to the Office letter mailed on June 11, 2007. The Notice indicates that no reply was received. We submit and certify that the Reply was sent by facsimile transmission on June 18, 2007 by Yvette Viglianese (no longer with the company). Although the wrong serial number appeared on the Certificate of Facsimile cover sheet, the actual amended Appeal Brief transmitted did include the correct serial number.

Attached is a copy of the amended Appeal Brief that was sent, including the fax transmission page and the fax return receipt from the USPTO. Also attached is the original Certificate of Facsimile cover sheet with the incorrect serial number crossed out and the proper serial number shown, so the examiner can see where the error was on the original filing. Please reinstate the application, remove the abandonment and allow the appeal to continue. Please call me if you have any questions. Thank you.

January 16, 2008

Respectfully submitted,



Karl E. Stauss

Attorney for Applicants

Registration No. 40,827

Telephone No.: (215) 592-3436